

United States District Court  
Eastern District of Missouri

Joseph Counts,	)	
Petitioner	)	
	)	Petition for Declaratory
v	)	
	)	and Injunctive Relief
State of Missouri,	)	
Respondent	)	

Jurisdiction

Petitioner Joseph Counts (Counts) who is currently in the custody of the U.S. Marshalls in the Southern District of Illinois in Mt Vernon, Illinois, normally resides at 14195 W Sunrise Lake Dr. Desoto, MO 63020, but is subject to Missouri's long-arm statute regardless, and respondent, for obvious reasons, are subject



# 20th Judicial Circuit of Franklin County Missouri



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to the jurisdiction of the court of the  
Eastern District of Missouri. under Title  
28 USC sec 2201 for this particular action.

## Statement of Facts

1. On approximately July 18<sup>th</sup>, 2022 the 20<sup>th</sup> Judicial Circuit of Franklin County, MO accepted and filed ~~an~~ ~~pro~~ ~~se~~ ~~ex~~-parte order of protection against Counts.
2. At that time Counts was already detained pretrial within the state of Illinois and was served by the 20<sup>th</sup> Judicial Circuit in that jurisdiction.
3. Counts filed a timely motion for lack of



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subject matter jurisdiction, but the 20th Judicial

Circuit did not sign off on it and the full order

of protection issued August 2nd, 2022.

↳ MO Rev Statutes § 56.520 says no default order for 30 days???

4. Counts, after months of trying, was granted

a motion to reconsider his pretrial detention

↳ in the SDIL

and in August 2022 the order of protection was

specifically cited as a reason to detain Counts

constituting part of the injury for the instant action.

5. Counts made several attempts to resolve the

order of protection in Missouri but he was not

allowed to submit a handwritten brief for

appeal and his motion for lack of personal



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jurisdiction was also not signed off on.

6. Counts requested rehearing and requested the court/clerk cause him to appear, but again, in August 2023 the order of protection issued for another two (2) years.

7. The order of protection, pursuant to Missouri statute, is recorded to the NCIC available in all 50 states and US Federal Government constituting another injury for purposes of the instant action.

8. Counts was in custody, and is still in custody, for the entire time the order issued.

Standard of Review



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Counts reached out to the Missouri Order of Protection filer while detained in Illinois, and Missouri Statute 506.500 mandates (1)(2) that Counts thus be in the jurisdiction of Missouri. In addition however, MO Rev. Statute 508.010 mandates the venue also be in Missouri where Counts was unable to appear, and there are no statutory provisions which remedy, or should have remedied Counts' inability to appear due to his detention, nor did the court of Missouri cause Counts to appear. As such, Counts was denied full access to the court, Fourteenth Amendment



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due process, the right to confront the  
order of protection filer, and equal protection  
under the laws (MO filer got double protection).

Relief Sought

Cunts respectfully requests and prays the court  
declare the order of protection issued in violation  
or sustained  
of the constitution of the United States and therefore  
void.

*JS* 10-21-24  
Joseph Cunts  
Jefferson County Justice Ct  
911 Casey Ave  
Mt. Vernon, IL 62864

Certification of Service:

I, Joseph Cunts, certify a copy has been sent  
to MO AG Andrew Bailey at the Supreme Court Bldg.  
207 W High Jefferson City MO 65102.

*JS* Joseph Cunts 10-21-24